

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	DATE FILED:
	:	
V.	:	CRIMINAL NO.:
	:	
JOSE DELVALLE	:	VIOLATIONS:
	:	21 U.S.C. § 841(a)(1) (Distribution
	:	of cocaine base ("crack") - 3 counts)
	:	21 U.S.C. § 853 (Criminal forfeiture)
	:	18 U.S.C. § 2 (Aiding and abetting)

**INDICTMENT**

**COUNT 1**

THE GRAND JURY CHARGES THAT:

On or about April 18, 2002, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

JOSE DELVALLE

did knowingly and intentionally distribute, and aid and abet the distribution of, more than 5 grams,  
that is, approximately 12.1 grams, of a mixture or substance containing a detectable amount of  
cocaine base ("crack"), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B),  
and Title 18, United States Code, Section 2.

**COUNT 2**

THE GRAND JURY FURTHER CHARGES THAT:

On or about April 23, 2002, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

JOSE DELVALLE

did knowingly and intentionally distribute, and aid and abet the distribution of, more than 5 grams,  
that is, approximately 15.0 grams, of a mixture or substance containing a detectable amount of  
cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B),  
and Title 18, United States Code, Section 2.

**COUNT 3**

THE GRAND JURY FURTHER CHARGES THAT:

On or about May 9, 2002, at Philadelphia, in the Eastern District of Pennsylvania,  
defendant

JOSE DELVALLE

did knowingly and intentionally distribute, and aid and abet the distribution of, more than 5 grams, that is, approximately 17.8 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and Title 18, United States Code, Section 2.

**NOTICE OF FORFEITURE**

THE GRAND JURY FURTHER CHARGES THAT:

The factual allegations contained in Counts 1 through 3 of this indictment are incorporated by reference.

As a result of the violations of Title 21, United States Code, Section 841(a)(1), as set forth in Counts 1 through 3, the defendant

JOSE DELVALLE

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, the following property:

1. All property constituting, or derived from, any proceeds the defendants obtained, directly or indirectly, as the result of such violations.
2. All property of the defendants which was used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, these violations.

**SUBSTITUTE ASSETS**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of

JOSE DELVALLE

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided

without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek, up to the value of the above forfeitable property, forfeiture of any other property of the defendants.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

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FOREPERSON

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PATRICK L. MEEHAN  
United States Attorney